

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Joseph Rosebrook,)	CASE NO.: 1:19-cv-00903
)	
Plaintiff,)	
)	
v.)	
)	
Warden James Haviland,)	JUDGE JOHN R. ADAMS
)	
Defendant.)	<u>ORDER AND DECISION</u>
)	

On November 1, 2019, Petitioner Joseph Rosebrook (“Rosebrook”) moved to withdraw his Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, without prejudice. (Mot. to Withdraw, ECF No 10.) Respondent Warden James Haviland (“Respondent”) opposed Rosebrook’s motion. (Opp’n to Mot. to Withdraw, ECF No. 12.) On December 2, 2019, the Magistrate Judge submitted an Interim Report and Recommendation recommending Rosebrook’s motion to withdraw be denied. (Interim R. & R., ECF No. 13.) The Interim Report and Recommendation instructed that any objections to the recommendation must be filed no later than fourteen days after service of the Interim Report and Recommendation. (*Id.* at 3.) Accordingly, the docket reflects that neither party served any objections to the Interim Report and Recommendation. Of note, Rosebrook’s substantive filings since the Interim Report and Recommendation have neither included any objections to the Interim Report and Recommendation nor any discussion of his motion to withdraw. (*See generally* Traverse, ECF No. 15.)

Therefore, this Court has examined the Interim Report and Recommendation of the Magistrate Judge submitted in this matter on December 2, 2019. (Interim R. & R., ECF No. 13.) Upon due consideration, and as no objections have been filed by the parties, this Court adopts the Interim

Report and Recommendation of the Magistrate Judge and incorporates its conclusions herein. Specifically, Petitioner Rosebrook's Motion to Withdraw is hereby DENIED. (Mot. to Withdraw, ECF No. 10.)

Finally, this Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

DATE: October 19, 2020

/s/ John R. Adams
Judge John R. Adams
UNITED STATES DISTRICT COURT